श्री भूपेन्द्र सिंह मान : कोई बात नहीं मैं बन्द कर देता हूं ।

जितनी देर तक हम गांव स्तर तक ओपेननेस को नहीं ले जाएंगे और अगर यह चाहें कि यह ऊपर से ठूंस दें, कोई और आकर हमारा इंडस्ट्रियलाइजेशन करेगा, हमारे देश की तरक्की कर देगा तो जो आयेगा यहां छीनने के लिये आयेगा, यहां लूटने के लिये आयेगा, यहां अगर हम नीचे से उठकर आगे बढ़ेंगे तो देश को बढ़ा सकते हैं। इसी ढंग की यह पालिसी होनी चाहिये। इन्हीं शब्दों के साथ मैं धन्यवाद करता हूं ।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : पांच बजे हमारे पास फिक्स टाइम बिजिनेस है हाफ एन हावर डिसकशन का, इसलिये इस चर्चा को यहीं बन्द करते हैं। उसके बाद इसको जारी रख सकते हैं ।

श्री राम अवधेश सिंह : बाहर जाना है हमको ।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : पर पांच बजे तो फिक्स टाइम बिजिनेस है, उसको हम लोग स्थगित नहीं कर सकते हैं ।

Now, we will take up the half-an-hour discussion. Shri Viren J. Shah to raise a discussion on points arising out of the answer given in the Rajya Sabha on the 25th March, 1992 to Unstarred Question 3651 regarding Line Pipe Procurement for Bombay High.

HALF-AN-*HOUR* DISCUSSION

ON POINTS ARISING OUT OF ANSWER TO UNSTARRED QUESTION NO. 3651 GIVEN ON 25TH MARCH, 1992 REGARDING LINE PIPE PROCUREMENT FOR BOMBAY HIGH

SHRI VIREN J. SHAH (Maharashtra): Madam Vice-Chairman, as you said, this arises from Unstarred Question No. 3651 about the placement of orders for two types of pipes, welded pipes and seamless pipes, with a considerable amount of foreign exchange involved in it. The total may be going up to Rs. 135 crores to Rs. 140 crores depending on the exchange value on the day of payment. Madam, I would give a little more of the background.

Starred Question No. 113 was answered in this House on 3-1-1991 by the Finance Minister and Unstarred Question No. 858 was also answered on 3-3-1992 by the Finance Minister. Both the questions related to a news item that appeared in the 'Indian Express' in December 1990 about the DRI raiding a particular company which was supplying material to the ONGC. It was alleged at that time, as per the newspaper report, that they had sold away more than half of the duty-free imported valuable material in the market. The Finance Minister, on 3-1-1991, replied that it was so and they had found that more than half the stainless steel plates were sold away by that company called 'PJ Pipes and Vessels Limited' of Bombay. Duty evasion was over Rs. 7,20,00,000/-. Investigation was on. The Government would inform the House when the investigation was over. In July 1991, I had brought this matter to the notice of the then hon. Minister for Petroleum and Natural Gas and on 26th July 1991, there was a half-an-hour discussion on gas flaring as such, again raised by me. I brought it to the notice of the House that, in the matter of this very tender, subject-matter of Unstarred Question 3651, there was the likelihood of some impropriety because the last date for the bid, for the international tender, was extended from 6th July 1991 to 22nd July 1991, on the 2nd July at the request of this company, PJ Pipes and Vessels Limited, about which the Finance Minister has categorically replied. I drew the attention of the House to this matter through the half-an-hour discussion. I have got the papers with me relating to that half-an-hour discussion we had earlier. I would recall what the hon. Minister said there. When I said that one must be very careful and if such a track record was there and that event had taken place, then one had to guard, the hon. Minister said, "This

point is very well taken. We will be careful." The very often, this matter came up. Last time I raised it by way of a special mention in this House on 17th March, 1992. The special mention was made because on 16th March I got the information that there was a likelihood of this tender in the range of 130 crores to 140 crore of rupees and a large amount of it in foreign exchange was to be decided in favour of this very company, PJ Pipes and Vessels Limited, where it was with all the background. On 3rd March, 1992, the Finance Minister had categorically stated in this House that the investigations were over, the Collector had adjudicated and given notice of action and that on 26th November, 1991, the Collector of Customs in Bombay had come to the conclusion that an evasion to the amount of Rs. 7,18,00,000 had taken place and he ordered for payment of this. Duty was also levied on this company. They were fined to the tune of Rs. 10 lakhs and Rs. 35 lakhs by way of penalties were levied on than company and the individuals concerned. This was on 3rd March, 1992 that it was communicated to the Petroleum Minitsry. Yet on 16th March this was taking place. A steering coommittee was appointed to look into this. On 17th March when I made a statement here to see whether this could be stopped, I also came to know that the order was already typed in the midnight of 16th March 1992 and delivered at 2 o' clock in the morning of 17th March both for welded pipes to PJ Pipes and Vessels Limited and for seamless pipes imported to the Belgium company, Sokonore. At the same time, the ONGC had already asked a few days back for all the bidders to extend the validity of their offers up to 25th of March. It was subsequently extended to 2nd April and then extended to 15th April. Even after placing the orders, this extension was given. So in that context, I raised this issue and these orders were worth Rs. 135 crores or so, both together. That was the time when the international prices were falling. The Japanese suppliers and the Italian suppliers sent telexes saying that the prices were being reduced and that they were willing for this. But we did not bother. The ONGC did not bother and this order was placed. The reason as to why I am taking up this issue is normally any MP when he reads in a newspaper, he asks a question about that and when that question is answered in the affirmative, he proceeds further. Then one sees that things are not going well in the ONGC which deals with thousands of crores of rupees per annum and thousands of crores of rupees per annum are used in buying, including foreign exchange. When this particular case came up because I don't like to believe hearsay things—then I certainly alerted the Minister. But unfortunately, that had taken place and this order had been placed. I will just make one side-pont and finish it in three minutes. The hon. Minister had replied in this House and in the Lok Sabha that by 1994 end, in the gas flaring projects, there would be zero gas flaring. On 29th of April, 1992, in this House, in reply to an Unstarred Question No. 307—the question was very specific—whether it is a fact that the Bombay High Gas Flaring Reduction Project would reduce gas flaring by zero by 1995 and if so, in what manner etc., the reply was very interesting : "The project will reduce flaring of gas by adding compression and transportation facilities in the off-shore region. The gas will be provided to the consumers as per commitment made from time to time." To the question about reducing the gas flaring to zero by 1995, there was no reply as against the reply of 1991. All these items relate to the gas flaring project which is being delayed. So what I have done is two things. I sent on 29-4-92 a letter to the honourable Minister saying that in the Half-an-Hour Discussion I was going to raise this particular item and that I was enclsoing a paper which showed the performance of the B.J Pipes in relation to the ONGC's order from 1987 to 1991. In each order, the Company failed to meet its commitments from 1987 onwards and this paper is already with the Minister and so, I do not have to read it out. But there are certain things in this : The quantity ordered was 31,350 while they supplied only 21,000. Again, an order was for 30,000 while the supply was only 22,000. Another order was for 40,000 while the supply was 31,793. One does not know

[Shri Viren J. Shah]

when the material was sold. It supplies materials to whoever is the processor and the processor in this case is the P.J. Pipes and Vessels Ltd. Then, Madam, there are no materials for years together and there is no delivery. This is the track record of this Company. Yesterday, this was to be discussed. I had some questions and I mentioned them to the honourable Minister so that he could have 24 hours' notice and he would not have any difficulty in answering my questions and also he could be specific and could pinpoint the issues and there would be enough time to deal with the subject. Now, I am going to read out these questions and that would be the end of my speech just now. There are a number of things on this matter. I have spent hours to read about this. But I will not take the time of this honourable House. These questions are on the welded pipes against the order placed on B.J. Pipes. There is one particular thing in this tender. Perhaps there is one company, S.A.W. Pipes of Delhi. Their tender was rejected on technical grounds.

Now, Madam, that will be the most shocking thing as per the statement by Shri Vohra a copy of which I have also given to the Minister.

Now, I come to my questions on welded pipes.

(1) Was the tender date extended from 6th July 1991 to the 22nd July 1991 on 2nd July ?

(2) If that is so, apart from B.J. Pipes, which other bidders made such a request almost when the due date was over ?

(3) Was the Tender Committee, in its meeting on the 23rd July 1991, decided that S.A.W. Pipes of Delhi were not technically qualified ?

(4) On what consideration, the consortium led by B.J. Pipes and consisting of S.A.W. Pipes was found technically acceptable

(5) What is the actual role of B.J. Pipes in this tender and the role of S.A.W. Pipes and what about the reference to the interview of the CMD of B.J. Pipes which appeared in the "Indian Express' of the 22nd March which the Minister has got ? This is despite the categorical statement of the Finance Minister on 3-1-92 and 31-3-92 about the malfeasance of sellin out from imported material and evasion of duty over Rs. 7.20 crores.

(6) Why was the Company not blacklisted and which Ministry in the Govern ment of India is authorised or required t order such blacklisting ?

(7) Were the bidders asked to extend the dates of validity of the offers to 23rd March and later on to 15th April 1992 ?

(8) If that is so, why did the Govern ment or the ONGC issue the letter o intent at midnight on the 16th of March 1992 and delivered it in the early hour of the 17th March, because it would hav lapsed otherwise ?

(9) Was there any fall in the interna tional price and, if so, why were bids no invited ?

(10) Has the honourable Ministe examined the track record of the supplier B.J. Pipes, as per the performance shee which I have sent to the honourable Minister along with my letter of the 29th Apr 1992 ?

Now, I have got only seven questio on the seamless pipes which are importan

(1) Were the international prices comin down ?

(2) Again, with reference to Mr. Bhar Vohra's statement in the "Indian Express on the 27th March, did the Japanese the Italians offer a price reduction ?

(3) Whether extension for validity offers were asked before 16th March ,199

(4) Whether the Italian bidders offer suppliers' credit : 100 per cent at the ra of 9 per cent interest and Government sc loan at the rate of 2.25 per cent intere for 25 years.

(5) Whether the order on Soconord placed with 100 per cent foreign exchange outgo.

(6) Whether the question of inviting rebids was raised any time, and

(7) Why the rebids were not asked ?

Thank you.

THE MINISTER OF PETROLEUM AND NATURAL GAS (SHRI B. SHANKARANAND) : Madam, Chairperson, I am really grateful to the hon. Member in the sense that he has taken so much interest in the affairs of the ONGC and has made studies in depth to point out to the country that if there is anything wrong he has the right that he should do it. We do need people who really take interest in the economic affairs of this country, and to that extent I must thank the hon. Member. It is a fact that he has always been, and very often, talking to me about the office of the ONGC. Time and again he has given suggestions to me also, and for that also I must thank him.

Coming to the particular subject, that has been subject matter of today's half-an-hour discussion, which has been kept on being postponed—this is the third day today; it has come before the House—the hon. Member has given me, as he has said, the questions yesterday, and I have full answers for these questions. Perhaps it will take a little more time if I go through the answers. If the hon. Member feels satisfied, I can give him the answers. But for the purposes of the House .... (*Interruptions*) I am not going to hide anything.

SHRI RAJ MOHAN GANDHI (Uttar Pradesh) : The House should have the answers.

SHRI B. SHANKARANAND : Surely. The property is that of the House.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : आप सदन में दीजिए, सारा सदन जानना चाहता है।

SHRI B. SHANKARANAND : I will give the detailed answers just here before the House.

The entire question is about a tender which has been validly accepted by the ONGC, with the competitive price and with the required technical background. This particular consortium, which is the Indian consortium, deserves all consideration. I should say that the ONGC did take all precautions to see that the best offer is accepted and the necessary technical requirement is fulfilled in accepting any particular tender in this case.

Madam, I am not disputing the contents made by the hon. Member with regard to the extension of date of opening the bids. I am not contesting that. But I do want to say that it is not a fact, and it is not a fact, that only on account of the request of P.J. Pipes the dates were extended. As a matter of fact, along with P.J. Pipes and this consortium, five other companies also requested for extension of date. I will give the names of these companies. Besides P.J. Pipes, Consortium, the second one is M/s Deferco. They requested for extension on 29-6-91; M/s Sumonto Corporation, Japan; they requested for extension on 1-7-91; Verugoni Corporation, Japan, and they requested for extension of date on 1-7-91. Of course, M/s Sumitomo, Japan, and M/s. Mitsui Company, Japan, their requests for extension of date were received by the ONGC on the 2nd. I am not hiding any facts. I do not want to hide any facts. If there is any mis-statement or correction, the hon. Member is welcome to correct me.

The next question is very important—whether the Tender Committee in its meeting on 23-7-1991 decided that M/s. Shaw Pipe Ltd., New Delhi, were not technically qualified. It is a very important question. And it is also true that the ONGC did find this Company not technically qualified for various reasons. I do not think, the hon. Members needs....

SHRI VIREN J. SHAH : They were rejected.

SHRI B. SHANKARANAND : You are well informed.

SHRI VIREN J. SHAH : I am very well informed. But I will not interrupt you. There are some inaccuracies in what you are saying.

THE VICE-CHAIRMEN (SHRIMATI SUSHMA SWARAJ) : Let him complete the reply.

SHRI B. SHANKARANAND : It is also true that the tender of this Indian consortium—there were only two consortiums, the Japanese consortium and the Indian consortium; the Japanese consortium was not willing to extend the date of validity of their bid—and that is how the Indian consortium, only one Company, remained on record. And that is how it was given. (*Interruptions*) The bid of the Indian Consortium led by M/s. P.J. Pipes & Vessels Limited was considered technically acceptable due to the following reasons. If you want the reasons, I can give the grounds.

SHRI VIREN J. SHAH : You mentioned that the Shaw Pipes were not technically qualified. And now you find they are technically qualified. That is the question.

SHRI B. SHANKARANAND : I am just coming to that. And I have already dealt with the next important question which the hon. Member's questionnaire has ....

SHRI VIREN J. SHAH : Which one ?

SHRI B. SHANKARANAND : The question is whether the bidders were asked to extend the dates of validity of their offers to 23rd or 25th March, 1992, and later to 15th April, 1992. I hope you would like to know the answer to this. The answer to this particular question is that the Indian consortium and the Japanese consortium were requested on 13-3-1992 to extend the validity of their bid up to 21-3-1992. The Japanese consortium had not been responding to our request for extension of their bid validation beyond 29-2-1992 and also did not respond to our request made on 13-3-1992s for extension of validity. The Indian consortium extended their bid validity only upto 16-3-1992. This is a very relevant date. Why I am emphasising on this is that the bid validity was extended by the Indian consortium till 16-3-1992. Beyond that, they were not willing to extend their bid date. That will answer your further question as to why this order was placed on this Company at the midnight of 16-3-1992.

SHRI VIREN J. SHAH : Question Nos. 6 and 7.

SHRI B. SHANKARANAND: I am coming to that. The hon. Member was very emphatic in saying that something has happened by giving this order at the midnight of 16-3-1992. And he wants to know : Why 16th ? Why at midnight ? Of course, I can well appreciate his curiosity and the curiosity of the House also unless they come to know what were the facts existing on that date. The discussions of the Streering Committee were held at 20.45 hrs. on 16-3-1992 when the bids were validated, technical and the price bids. And the Government stated that the lowest bidder should get it. The ONGC sat for discussion and the Streering Committee went into that, because the urgency was that the validity was expiring on that day and that is the reason why they took a meeting and they said that this was the lowest bidder and he should get the contract. We were not willing to see that the validity date should lapse because the ultimate objective was to see that the gas flaring project comes on time and if any one component of this project slips, the zeroing of flaring will go on for another year, and that is the reason why we took all precautions to see that this tender was accepted and orders were placed on this company before the date of validity expired, and that is the reason why immediately after the Steering Committee took the meeting they decided that this order should be placed on this company. What is wrong ?

SHRI VIREN J. SHAH : Eight months after opening the tender.

SHRI B. SHANKARANAND : That is a different matter. I am answering the

limited question as to why at midnight this order was placed. That is the limited question. About delay for eight months, of course there were reasons, excusable and inexcusable; there were reasons. I don't say there were no reasons. I am not going to say that. So, this is the reason how the order was placed on this company on the midnight of this date.

SHRI VIREN J. SHAH : You have missed out 6th and 7th question and you have jumped to 8th.

SHRI B. SHANKARANAND : I will answer that; I am not going to leave any single question.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : वीरेन जी, आप पूरा जवाब सुन लीजिए, उसके बाद अगर कोई सवाल छूट जाता है तो फिर कहें।

श्री वीरेन जे० शाह : आठवें सवाल के बाद नौवां न देख कर के मुझे दहशत होती है।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : वह क्रम से नहीं चल रहे हैं, अपने तरीके से चल रहे हैं, अगर कोई प्रश्न अनुत्तरित रह जाता है तो फिर पूछ लीजिएगा।

SHRI B. SHANKARANAND : I am here to give the facts to the House and I will try my best to explain everything. I am not going to hide anything. I do not want to defend anybody who has committed a wrong. Let it be made known to the House. At least for myself, I will not let anyone go scot-free who has committed any malpractice, who has committed anything seriously wrong. I will also not venture to take cudgels against anyone against whom we have nothing. These are the few things which must be kept in mind.

Now you asked about these questions.

SHRI N. E. BALARAM (Kerala) : You are following a middle path, not going in two extremes.

SHRI B. SHANKARANAND : Bhagwan Buddha's way.

SHRI VIREN J. SHAH : Don't interrupt him; he may skip some more questions.

SHRI B. SHANKARANAND : Question Nos. 6 and 7 are the important questions. I think the hon. Member is very particular about these questions. Question No. 6 is : Despite categorical statement of the Finance Minister on 3rd January 1991 and 3rd March 1992 about the misfeasance of B.J. Pipes by selling away duty-free imported material and evasion of duty of Rs. 7.20 crores, why was the company not blacklisted ? And the next question is, which Ministry in the Government of India is authorised or required to order blacklisting ? This is an important question. Now, if we look to the particular case, I am not disputing the allegations; I do not talk about the proof or the conclusion because he is making these allegations. It is also a fact that the Finance Minister has made a statement on these two days in this House. The allegations are that this particular company imported steel and then sold it in the black market. It had evaded taxes. The tax authorities raided their premises. It is said. They have also informed us. They have found that this malpractice has been indulged in by this company. This was also brought to the notice of the hon. Minister. It is also a fact that we came to know this thing.

Now, Madam, what were the conditions of bid ? Definitely, this was not a condition. When we invited bids for this particular project, there was no condition laid down that if this thing happened, we were not going to give this contract to a particular company. We must examine this from that angle. If we are convinced that the conditions of the tender are fulfilled satisfactorily, to our requirements, we will only look into that because we are interested in the project. If there are some tax irregularities, misfeasance or malfeasance or whatever it is, it is for the tax authorities to take action against the company. The tax authorities have said. They did take

[Shri B. Shankaranand]

action. They raided their house. They recovered. I am told, they also paid some money, for the purpose of payment of taxes. But we were never told by anybody that this company was blacklisted and, therefore, it cannot be given the contract.

SHRI VIREN J. SHAH : Please see Question No. 7.

SHRI B. SHANKARANAND : I am coming to that. You say 'Which Ministry authorised this ?' I should say, if any company or any person, who comes within the purview of any contract under any Ministry or Department, commits any economic irregularity, only that Ministry will take action.

SHRI VIREN J. SHAH : It means, the Ministry of Finance.

SHRI B. SHANKARANAND : I will not say that.

SHRI VIREN J. SHAH : What are you saying ?

SHRI B. SHANKARANAND : I am saying about my Ministry will not speak for any other Ministry.

SHRI VIREN J. SHAH : Which Ministry could have taken action ? That Ministry under which this had taken place. It means, the Finance Ministry.

SHRI B. SHANKARANAND : Naturally.

SHRI S. S. AHLUWALIA (Bihar) : Mr. Shah, why are your cross-examining the Minister ?

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) अहलुवालिया जी, मैं बैठी हूं न संचालन करने के लिये। उन्होंने डिस्कशन रेज किया है और अगर कुछ कहना है तो मैं कहूंगी न आप वहां से कैसे कर रहे हैं ?

SHRI B. SHANKARANAND : Basically, I am a lawyer. I know how questions are put and how they are answered. I welcome these questions. I am not scared of these questions. Of course, he is right. The hon. Member is quite right.

SHRI VIREN J. SHAH : Your people are taking care.

SHRI B. SHANKARANAND : The question is, if any proceeding is to be initiated for blacklisting a particular company, one has to give the facts, depending on which such a course of action is initiated. Previous notice has to be given to the particular company, telling them 'Why could you not be blacklisted, because you have done such and such a thing ? Without recourse to such a legal procedure, I do not think anyone can blacklist any particular company. There are a number of Supreme Court judgements in this regard. In this case—I do not say, fortunately, or, unfortunately—the fact is that no proceedings by any Ministry of the Government of India have been taken, as of date. Not even a show-cause notice to this company. If there is anything, at least, I am not aware. As far as my Ministry is concerned, I am not aware of any proceeding against this company. Therefore, it does not lie in my power to take any action, without having recourse to legal procedures. This is the reason.

This comapny was given the contract because it fulfilled all the conditions that were laid down in the contract. I had no business to deny the contract to this company. I think I have been able to satisfy the House. So much has been said about this. There is a point in what the hon. Member has said. According to him, this company has committed an economic fraud. The word used by him is 'misfeasance'. If this company has committed misfeasance that particular Department should examine this; I will not say, should immediately take recourse to action. At the moment, we do not have full facts with us. We do not have full facts because they are not pertinent to my Ministry. If any action is to be taken against this company, I think that is not the purpose for which my Ministry at the moment is concerned. The hon. Member has asked why such a company is given a contract. I have fully explained to him,

Regarding taking action for blacklisting such a company, it is different question. Perhaps it will not be a subject matter of today's debate.

Now I come to other 7 questions which he has asked. He has raised very valid questions. The first question is, I quote, "Whether international prices were going down. The answer is, yes, the foreign bidders indicated reduction in their quoted price.

The second question is, whether the Japanese and/or Italian suppliers offered price reduction. The answer is, yes, M/s Dalmine, Italy and the Japanese consortium offered price reduction as follows, There is a long list and I do not think I can waste the time of the House in this regard.

Question No. 3, whether extension for validity of offers was asked before 16-3-1992. The answer is, yes, the extension for validity of offers was asked before 16-3-1992.

The next question is, whether the Italian bidders offered suppliers' credit : (a) 100 per cent at 9 per cent interest, and (b) Government soft loan at the rate of 2.25 per cent interest for 25 years. The answer is, yes, the Italian bidder, namely M/s Dalmine, Italy offered Suppliers' credit : (a) 100 per cent at the interest rate of 9.2 per cent per annum, as it has been said earlier, and the reply to (b) is also the same.

Question No. 5, whether the order on Soconord has been placed with 100 per cent foreign exchange outgo. The answer is, yes, the order on Soconord has been placed with 100 per cent foreign exchange outgo.

Question No. 6, whether the question of inviting rebids was raised any time.

Question No. 7, why the rebids were not asked. Madam, I have got a very long answer. The answer is, the issue of unsolicited post-tender reduction offered by M/s Dalmine, Italy were discussed in the Steering Committee Meeting held on 10th March, and it was deliberated as follows : and I quote :

> "It was brought to the notice of the Steering Committee that at the meeting held on 10-3-1992, it was decided that post-tender modifications made by M/s Dalmine, Italy was not considered and the original recommendations in favour of M/s Soconord on cash basis was to stand. However, Steering Committee desired that NPV of credit offer of M/s Dalmine, Italy (as available now) be compared with the cash offer of M/s Soconord. Such a comparison made by BRBC reveals that the cash offer of M/s Soconord continues to remain cheaper than the NPV of credit linked offer of M/s Dalmine, Italy even after considering the un-solicited reduction."

In view of the comparative evaluation as indicated above, the contract was given to M/s Soconord.

Now Madam, I have tried to place ....

SHRI VIREN J. SHAH : What about question No. 12 ?

SHRI B. SHANKARANAND : Question No. 12 is whether the hon. Minister has examined the track record of supplies of B.J. pipes to ONGC as per the statement—"the statement I had sent to him with my letter dated so and so." Madam, he has raised a very valid point because he is building up his case to blacklist this company. I don't think he is intending to do so. .... (*Interruptions*) ....

SHRI VIREN J. SHAH : Madam, I was only trying to have money for the country.

SHRI KAMAL MORARKA (Rajasthan) : I have a point of order. I have been resisting the temptation to interfere. It is very unfair for the Minister to attach motives to MPs. He has started his statement saying we do this and that, and I kept quite. We don't need homilies. We are elected Members in this House, we know what we are meant for here. We will be within our limits. I think this question and answer session was going on on a perfectly proper scale.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : हर चीज का जवाब उन्होंने दिया है।

SHRI KAMAL MORARKA: He said, "I think the Member is pleading the case ...." Member don't plead cases .... (*Interruptions*) ....

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : उसका जवाब वीरेन जी ने बहुत अच्छा दिया है। उन्होंने कहा है कि वे देश के लिये पैसा बचाना चाहते थे। उसके बाद बात खत्म हो जाती है।

SHRI B. SHANKARANAND: Madam, I have been a Member of Parliament for the last 25 years, and whatever is said in the debate is never taken personally.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : मंत्री जी, आप क्वेश्चन नं० 12 का जवाब दे दीजिए।

SHRI B. SHANKARANAND: If I have offended the hon. Member's feelings, I am sorry, my apologies to the hon. Member. I never meant that. They are all hon. Member. My first commitment is to Parliament and I respect hon. Members as I would respect myself. This is my feeling and I don't think the hon. Member has taken, whatever I have said in that spirit. if he has already taken it in that manner, then my apologies to him.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : आप क्वेश्चन नं० 12 का जवाब दे दीजिए।

SHRI B. SHANKARANAND: Being a senior Member of Parliament—not Minister; I won't say that—I should say that I must respect the feelings of the hon. Members.

Now, regarding the track record of this company, as for the records, I have in my possession—"My possession" means the possession of the Ministry"—certain information which I should like to share with the House regarding the track record of this particular company.

SHRI VIREN J. SHAH: Well, I think, if you have seen my question, it is fine; you need not go into the details.

SHRI B. SHANKARANAND: Not only have I seen, I am satisfied with the track record of the company. I think that satisfies the hon. Member.

Madam, in all fairness. I have taken a little more time and I couldn't help it. If the House requires any further information ....

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : कुछ प्रश्न अगर हैं तो मैं नाम पुकारूंगी, वे पूछ लेंगे। श्री राज मोहन गांधी जी, आप प्रश्न पूछना चाहेंगे ?

SHRI RAJ MOHAN GANDHI: Thank you, Madam Vive-Chairman. I must admit that we have witnessed an extraordinary performance. I do hope that the hon. Minister will not also praise me and say that I have raised on important point! I hope he will spare me that! He is extremely good at appreciating, praising, and he is very swift at apologizing. But I must admit that he has propounded today a theory which, if we accept, spells the end of the ethical foundations of democracy.

The hon. Minister has said to us—and he will correct me if I am wrong—"I knew about the malpractice or misfeasance. I knew about that and yet I was not told, there was no guideline that such firms should be blacklisted. Nobody told me." I knew that sharks dressed up as goldfish were sharks, I knew that wolves dressed up as sheep were wolves, but nodoby told me that the mask of goldfish and the mask of sheep should not be taken at face value! Therefore since technically they seem to be perfectly capable of fulfilling the conditions, the ONGC granted the tender.

I am afraid, although I said to you that I had a specific question, I really have a

general question. If this is the philosophy of the Government, if so, I have nothing more to say.

Thank you.

SHRI YASHWANT SINHA (Bihar) : Madam Vice-Chairman, we have heard the reply of the Minister. I must admire his footwork because he has very dextrously managed to sidestep many of the important issues which have been raised by colleague Viren Shah.

Madam, there are some fixed procedures of judging tenders and taking decisions on them in the Government. They apply to all the Ministries. We have the Ministry of Finance which, if the file goes to them, makes sure that those procedures have been followed. I do not know whether in this particular case, the Ministry of Finance was consulted or not. But, there are certain aspects which are extremely distrubing for a person like me.

Here is a case where the tenders were called for. The last date was extended according to the admission of the Minister. At the request of the various tendering firms they were extended. Then the Ministry or the ONGC sat over them, again, as the Minister admitted, for reasons which were valid, for reasons which were not valid, and it came to a point or it was brought to a point where everybody else opted out, and only one person, one bidder was left. He would like us to believe that when the last extension was sought from the Japanese consortium and the so-called "Indian consortium", the Japanese consortium refused or did not respond. "Refusal" will perhaps be a wrong word to use. They did not respond to this, and the Indian consortium extended the date from the 29th of February to the 16th of March. This is the story which the Minister would like to us to believe. Therefore, this was the only firm which was left, and the ONGC had no option but to give it to that firm and that too at midnight because they had to burn the midnight oil. They are very hard working people : They could not take any decision from July until the midnight of the 16th of March. Good luck to them.

But the point is, and this is a point which I would like to ask of the Minister specifically : How were the two consortia approached to give the extension ? What was the reason for seeking the extension ? How is it ? Was any personal contact made with the Japanese consortium to make sure that they also responded so that there could have been a fair competition ? This is a case where there has been no competition. The competition evaluation is all imaginary. To say that P. J. Pipes or this consortium led by P. J. Pipes was cheaper, because it was the only firm, is not correct. The question of being cheaper or being costlier does not arise. The ONGC had no option. Otherwise, as the Minister said, this also would have lapsed, and after the 10th of March there would have been darkness all around us. Therefore, in order to get that light, they decided it at midnight.

What is the track record, Madam Vice-Chairman ? Here is a company which imported precious raw material and misused that raw material by selling it in the market. They were allowed to import it duty-free. For what purpose were they allowed it ? For making supplies to the ONGC. It was not for making supplies to Tom, Dick or Harry. They were supposed to make supplies to the ONGC. I am sure, in order to give duty exemption, there must have been a recommendation as per the procedure of the Government from the ONGC through the Ministry of Petroleum to the Ministry of Finance, and only after that the Ministry of Finance would have given the duty-exemption. So, the Government was fully involved in making sure that the P. J. Pipes got the duty exemption. Such a material is sold by this firm in the open market. They made huge profits because the duty which they saved was Rs. 7 crores, Rs. 7.2 crores or whatever. Therefore, the amount of money in terms of profit which this company would have made, would have been enormous. That is why they have

[Shri Yashwant Sinha]

violated the law. So, it is not that the Ministry of Finance is some remote wing of the Government and that the Revenue Intelligence is chasing this firm without the knowledge of the Ministry and the ONGC. The ONGC and the Ministry were fully aware of the fact that this Company had indulged in this malpractice. The Ministry and the ONGC must have been fully aware of the fact that they have been found guilty. The Minister cannot get away by saying that he does not know whether the firm was guilty or not. They were found guilty, penalities were imposed on them, on their Directors, on their Chairman and that has all come by way if replies to Parliament questions asked by my colleague, Mr. Viren Shah. So, this is the property of the House. This is the information which we already have on behalf of the Ministry of Finance. Now, here is the company which does this massive fraud of importing duty-free and selling it in the market. Two tonnes of that material was seized. I do not know what happened to that, but the ONGC is the sufferer. The ONGC is the one which was not supplied this material. Then what action did ONGC take against this firm? It is not a question what the Director of Revenue Intelligence alone did. What action was taken by the ONGC when it did not get the supplies for which the recommendation was made to the Ministry of Finance for duty exemption.

उपसभापति (श्रीमती सुषमा स्वराज) : आप जल्दी पूछिए। हमारे पास केवल 9 मिनट हैं। उसी में मंत्री जी का जवाब भी होना है और चर्चा समाप्त करनी है ।

SHRI YASHWANT SINHA : The other point is that the P.J. Pipes is not the manufacturer. That is a point which I would like the Minister to categorically state in this House. P. J. Pipes, according to an admission made in *the-Indian Express* report by the Managing Director or Chairman of that company is only a coordinator. They are coordinating all these finances, expertise and what else, I don't know, but they are coordinators. They are not manufacturers. The manufacturer is S.A.W. Pipes. The S.A.W. Pipes, according to th statement made by the Minister just no were not found technically feasible. An suddenly they were found technical feasible ! One technical committee or val ation committete does not find them techn cally acceptable and another committ finds them technically acceptable. The make a quotation separately and they al make a quotation as a partner in the co sortium. The consortium is consisting on of two firms—the P. J. Pipes and t S.A.W. Pipes. Only two. The S.A.W. Pip makes an offer which is rejected. But wh they make an offer as part of this co sortium, they are found technically feasibl How has this dramatic shift in the sta taken place? We must know this. Here this record which the Minister has just nc said he has satisfied himself with. 'M Viren Shah has supplied this record. The were a number of short supplies which P. Pipes has made against various orders the ONGC from 1987 till date. There we elven cases of short supplies which ha been listed by Mr. Viren Shah as inform tion supplied to the Minister where th have failed to meet their liability or the commitment to make supplies. After this—after they sell their raw materia after they short supply, after they ma all these departures from the establish norms—the Minister says they are the on firms and we have to give them this. I a absolutely baffled. Therefore, I share t concern of the Members that we have go into the ethical basis of this. We ha to raise that question in this House. custodians of the interests of this countr we have to be assured in this House th there is nothing more in this than wh meets the eye. And if the procedures ha not been followed properly, if they ha been given a go-bye, if a situatiin h consortium was only bidder left, then, I said, there is much more than what mee the eye. Therefore, all our suspicions; our doubts or all our fears and apprehe sions that something is stinking in th particular deal.

उप सभाध्यक्ष (श्रीमती सुषमा स्वराज): अहलूवालिया। आप भी एक डेढ़ मिनट में पू

लें ताकि 6 बजे से पहले-पहले मंत्री जी जवाब दे दें। तीन ही लोग हैं। . . . (व्यवधान) पांच मिनट में तो 6 बज जाएंगे। राज मोहन गांधी जी ने डेढ मिनट से भी कम लिया।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : वे महापुरुष हैं।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : आप पूछिए।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : लाईन पाईप सप्लाई के इस सौदे के बारे में जो सवाल हमारे आनरेबल मेम्बर वीरेन जे० शाह जी ने उठाया है, यह दाल में काला दोनों तरफ नजर आ रहा है, क्योंकि महोदया, जहां तक ब्लैक लिस्टिंग की बात आती है, तो ब्लैक लिस्टिंग तो किसी भी कंपनी का बहुत सारे कारणों से हो सकता है। उसमें टैक्स इवेज़न आता है, नान-इंप्लिमेंटेशन आफ प्रोजेक्ट आता है, देन ब्रीच आफ कंट्रेक्ट आता है, बहुत से कारण होते है।

पर मैं ओ० एन०जी०सी० की कोई तरफदारी नहीं करना चाहता, क्योंकि में खुद समझता हूं कि ओ०एन०जी०सी० कोई पवित्र नहीं है, यह कोई होली काऊ नहीं है और यह परिसीमाओं से परे भी नहीं है।

पर इस मसौदे पर मैं सिर्फ आपसे पूछना चाहता हूं क्योंकि यह एक प्रेशर है इस कंपनी के ऊपर पी० जे० पाईप्स पर और इस पी०जे० पाईप्स पर हर तरह का प्रेशर क्रिएट किया जा रहा है, उसके पीछे क्या कारण है, यह मैं जानना चाहता हूं। पी० जे० पाईप्स को एक तरफ तो हमने सदन में ग्रिल किया हुआ है, ओ०एन०जी०सी० का जो प्रायर्टी सैक्टर का मामला, एक कंट्रेक्ट है उसको रोका हुआ है और दूसरी तरफ उसी पी० जी० पाईप्स के ही मालिक को हमने अपनी प्रिविलेज कमेटी में ग्रिल किया हुआ है। उसके पीछे क्या कारण है ? क्या यह कहीं व्यक्तिगत केस तो नहीं है ?

श्री कमल मोरारका : ऐसे व्यक्ति को जेल भेज देन चाहिए जो मेम्बर पार्लियामेंट को धमकी दे। आप तो प्रिविलेज कमेटी की बात कर रहे है। . . . (व्यवधान) अगर कोई इंडस्ट्रियलिस्ट पार्लियामेंट के मेम्बर को धमकी दे, तो--

he must be sent to jail. There is no question. I do not know what you are defending. I am ashamed.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : कमल मोरारका जी, मैं आपसे भी ऊंची आवाज में बोल सकता हूं।

श्री कमल मोरारका : हां बोलिये ना।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : यहां आवाज की प्रतियोगिता थोड़े ही हो रही है।

श्री सुरेन्द्रजीत सिंह अहलुवालिया* :

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : देखिए, जो मामला प्रिविलेज कमेटी में है, अहलुवालिया जी, उस पर टिप्पणी मत कीजिए।

श्री कमल मोरारका : यह वीरेन जे० शाह का व्यक्तिगत मामला नहीं है। यह हाऊस की प्रेस्टीज का सवाल है। . . . (व्यवधान) हर वक्त हर बात को यह व्यक्तिगत कह रहे हैं।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : आप बैठिये। मैं अहलुवालिया जी से कहना चाहूंगी कि जो मामला सदन की सहमति से . . . (व्यवधान)

डा० रत्नाकर पाण्डेय : महोदया, यह मामला . . . (व्यवधान)

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : पाण्डेय जी, इस समय मैं खड़ी हूं, आप बैठ जाइये। जो मामला सदन की सहमति से चेयरमैन साहब

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* Expunged as ordered by the Chair.

[श्रीमती सुषमा स्वराज]

की अनुमति से प्रिविलेज में गया हुआ है, उसके ऊपर कोई टिप्पणी सदन में नहीं की जानी चाहिए और जो टिप्पणी की गई है, वह रिकार्ड में नहीं जाएगी । वह हम लोगों के लिए सही नहीं है ।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : यह ऐसा कोई कानून में नहीं है कि टिप्पणी नहीं की जा सकती । यह गलत है । अगर हम इस पवित्र सदन का उपयोग किसी गलत काम में लेते हैं तो वैसी टिप्पणी को कैसे आप सदन के रिकार्ड से निकाल सकती है ।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : देखिये, यह प्रिविलेज कमेटी तय करेगी कि यह मामला सही है या नहीं है ।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : अभी फैसला नहीं लिया है ।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : यही मैं कह रही हूं कि फैसला नहीं किया है । इसलिए आप अपनी टिप्पणी इस पर नहीं दीजिए । . . . (**व्यवधान**)

जब मैं खड़ी हूं, तो आप बैठ जाइये, आप बैठिये तो सही । प्रिविलेज कमेटी में जो मामला गया है, उस पर यह कहना कि *

इसका मतलब है कि मामला गया है । प्रिविलेज कमेटी में गये हुए मसले पर यहां टिप्पणी नहीं की जा सकती है, यह अहलुवालिया जी, आप जानते है इस बात पर आप ख्वामखाह तैश में आ रहे हैं । आप अपना प्रश्न पूछिये ।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : मैं तैश में नहीं आ रहा हूं । मैं इसी बात पर आ रहा हूं कि इस चीज के पीछे मकसद जानने की जरूरत है कि यह मकसद क्या है । मैं तो सीधा जानना चाहता हूं कि मकसद क्या है ?

*Expunched as ordered by the chair.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : मकसद के बारे में आप प्रिविलेज कमेटी को रेफर न करते हुए पूछिये ।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : क्योंकि मैं जानता हूं कि हमने पिछले चार सालों में अपने सदन के अंदर और बाहर इसी तरह की बहस देखी है कि जिसके साथ किसी भी पोलिटिकल पार्टी का कोई सम्पर्क नहीं होने के बावजूद भी बचौलिया बना दिया गया और इसमें भी आज इस तरह कहना कि रात को बारह बजे क्या फैसला किया था . . . (**व्यवधान**)

श्री कमल मोरारका : हुआ है । . . . (**व्यवधान**)

श्री सुरेन्द्रजीत सिंह अहलुवालिया : तो मैं किसी भूतपूर्व मंत्री से पूछूं कि भूतपूर्व मंत्री जी साउथ ब्लाक में रात को डेढ़ बजे आप फाईल क्यों देख रहे थे ? किसी को कोई रोक सकता है । साऊथ ब्लाक में आप डेढ़ बजे रात को फाईल क्यों देख रहे थे, मनाही थी सरकारी काम में क्या ।

6.00 P.M.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : आप प्रश्न पूछ लीजिए । इस संदर्भ में प्रश्न पूछ लीजिए और देखिए, समय कम है । मैंने पहले कहा था 6.00 बजे दूसरे मंत्री का स्टेटमेंट होगा, आप प्रश्न पूछिए ।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : मैं तो सीधा जानना चाहूंगा अगर इसमें कोई घोटाला हुआ है तो यह पहले उस पर भी कार्यवाही करने की जरूरत है कि आखिर ऐसे सवालों के साथ हम कैसे जुड़े हुए हैं ? उसकी भी इन्कवायरी की जरूरत है और किस तरह से पर्सनल मामले को लेकर एक प्रेशर ग्रुप क्रिएट किया जाता है और सब से इंपार्टेंट एक पार्लियामेंटरी फोरम का यूज किया जाता है मैं यह जानना चाहता हूं और इस पर क्या आदेश है और इस पर क्या जवाब है, यह बताने की कृपा करें ?

SHRI YASHWANT SINHA : Madam, I am on a point of order. The point which

has been made by hon. Member Shri Ahluwalia is in the form of an allegation against the Member who has raised this discussion. He has clearly said that he has got a personal interest in this matter. We have, all of us have, participated in this discussion and we all come under the purview of this. We are all under a cloud today. (*Interruptions*).

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) मि० अहलुवालिया आपने अपनी बात कह दी है वह प्वाइंट आफ आर्डर पर खड़े है, उनको अपनी बात कहने दीजिए ।

SHRI YASHWANT SINHA : Apart from the fact that under the rules he has to give prior notice before he makes an allegation, when he has made an allegation, I am saying, in all seriousness, let a Parliamentary Committee be appointed here and now. Let the House appoint a Committtee which will look into everything that is said, on this side and that side.

SHRI KAMAL MORARKA : A Parliamentary Committee can go into it.

SHRI VIREN J. SHAH : I welcome a Parliamentary Committee to go into the innuendoes made by Mr. Ahluwalia.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : मंत्री जी का जवाब आने दें ।

SHRI KAMAL MORARKA : When we are asking for a Parliamentary Committee to go into it, why are you not supporting us ?

SHRI S. S. AHLUWALIA : Why should I support you in everything ? (*Interruptions*).

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : मंत्री जी का जवाब आने दीजिए, उसके बाद देखेंगे ।

डा० रत्नाकर पाण्डेय (उत्तर प्रदेश) : . . . तो सदन की कमेटी बनाने का कोई तुक नहीं है ।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : पाण्डेय जी, बैठिए । . . . **(व्यवधान)**

SHRI KAMAL MORARKA : In view of so much heat being generated, part of it not germane to the issue, I would like to ask just two or three small questions.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : सभी प्रश्न सदस्यों द्वारा पूछे जा चुके है । अब मंत्री जी का जबाव आने दीजिए । मंत्री जी अपने जबाव में क्लीयर कर देंगे उन्होंने सीधा सवाल पूछा है उसका मंत्री जी जबाव देंगे ।

SHRI SANTOSH BAGRODIA : (Rajasthan) : Madam, I am on a point of order.

SHRI KAMAL MORARKA : Madam, one point.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : नहीं, मि० कमल मोरारका । अब मंत्री जी से जबाव लेने दीजिए । अब 6.00 बज गए हैं, दूसरे मिनिस्टर का स्टेटमेंट है । . . . **(व्यवधान)**

SHRI SANTOSH BAGRODIA : Madam, is the permission of the House taken for the Minister to reply ? The next business should have started at 6 o'clock. (*Interruptions*).

SHRI KAMAL MORARKA : This is a massive fraud. Don't try to push this under the carpet. (*Interruptions*).

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : मैं वही कहने लगी थी । देखिए . . . **(व्यवधान)**

SHRI KAMAL MORARKA : Let the Minister reply. (*Interruptions*).

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : मि० कमल मोराका, देखिए 6.00 बजे मि० माधवराव सिंधियां जी का स्टेटमेंट सदन में होना है । . . . **(व्यवधान)**

SHRI SANTOSH BAGRODIA : Madam, is the permission of the House taken ?

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : मि० सन्तोष बागड़ोदिया, मैं उसी पर सदन की सहमति ले रही हूं ।. . . **(व्यवधान)**

मैं उसी पर सदन की सहमति ले रही हूं ।. . . **(व्यवधान)**

SHRI RAJ MOHAN GANDHI : Madam, I want to make just one submission.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : एक मिनट, मि० राज मोहन गांधी जी । डिसकशन इनीशिएट किया है श्री वीरेन जे० शाह जी ने, मंत्री जी ने जबाव दिया । तीन शख्स उसके ऊपर हो गए । केवल मंत्री जी के जबाव के साथ यह चर्चा समाप्त हो जाएगी । इसलिए मैं चाहूंगी कि 6.00 बजे जो फिक्स टाईम बिजनैस है माधवराव सिंधिया जी ने स्टेटमेंट देना है । पांच मिनट का समय अगर हम देदें तो मंत्री जी अपना जबाव खत्म कर दें तो एक विषय समाप्त हो जाता है मंत्री जी जबाव दें ।

SHRI KAMAL MORARKA : I want to know whether the party has met the Minister personally.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : वह जांच की बात आई है दोनों ओर से मंत्री जी जवाब देंगे ।

SHRI KAMAL MORARKA : Madam .... (*Interruptions*).

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : मि० कमल मोरारका, उन्हें जबाव तो देने दीजिए । मंत्री जी ।

SHRI V. NARAYANASAMY (Pondicherry): I have only one question. I will not take more than 15 seconds.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : क्या कहना चाहते हैं आप ?

SHRI V. NARAYANASAMY : I would like to know whether the hon. Member Shri Viren Shah is owning Mukund Steel. (*Interruptions*).

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : इसका इससे कोई संबंध नहीं है । नो-नो. . . **(व्यवधान)**

I have identified the Minister. Let him reply. No, Mr. Narayanasamy.

SHRI V. NARAYANASAMY : Madam, I want to know .... (*Interruptions*).

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : मि० नारायणसामी, आप मामले को मत उलझाइये ।

Your question is entirely irrelevant. I have identified the Minister.

SHRI V. NARAYANASAMY : I would also .... (*Interruptions*).

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : इसका कोई संबंध इस सवाल से नहीं है । . . . **(व्यवधान)** मैंने आपसे कहा था . . . **(व्यवधान)** मि० मिनिस्टर प्लीज़ रिप्लायी ।. . . **(व्यवधान)**

SHRI N. E. BALARAM : Madam, I want to ask only one question.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : इस मामले को और मत उलझाइए । मिनिस्टर को जबाव देने दीजिए । आप बैठिए ।

SHRI N. E. BALARAM : Before he answers, I want to ask one question.

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ) : No, I am not permitting you to ask the question.

SHRI N. E. BALARAM : Why are you not allowing me ?

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : इसलिए नहीं अलाउ कर रही हूं क्योंकि केवल 5 मिनिट हाउस की सहमति से मिले है. . . नहीं. . . मंत्री जी, आप जवाब दीजिए ।

SHRI N. E. BALARAM : The Minister will yield.

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ): No, he is not yielding.

मैं आपसे रिक्वेस्ट कर रही हूं कि आप बैठ जाइए । मंत्रीजी, तीनों सवालों का जवाब दीजिए ।

SHRI B. SHANKARANAND : The hon. Members have asked certain questions. The first question is with reference to, if I can quote, the code. I do not know. Nobody told me about the philosophy. I think we are reading too much into the matters that are before the House, which is not the case. All that was essential for examining the bids and evaluating them technically and price-wise has been followed. The question of sacking this particular company by blacklisting it in this particular case does not arise at all because on the day of the evaluation of the bids or on the day of inviting these tenders, the Minitsry or the ONGC did not have any specific direction or request from any particular Department of the Government for taking an initiative for blacklisting it. With regard to the Ministry itself or the ONGC itself blacklisting this company, the track record of the company with this Ministry or the ONGC is relevant. If the track record says that there are grounds and action should be taken against it, I will be the first man to take action against it. As for the hon. Member, Mr. Viren J. Shah's letter of 29th April, 1992, I am sorry, I did not receive it though exact reference has been made by him in this House. Yashwant Sinhaji said that there are about seven or eleven cases of irregularities. I can give you the details from the track records that are with me—I can speak on-the-record, not off-the-record—of this particular company with regard to supply of materials. On 31-12-88, the total number of pipes ordered was 2656; the number of pipes supplied was 2656 and the number of pipes rejected was only 24. Again on the same day, in the second case, pipes ordered were 233; all of them were supplied and only one was rejected. Then in another case, the third case, pipes ordered were 596; pipes supplied were only 173 and the rejected were only 2. In the fourth case, pipes ordered were 1206, the supplied pipes were 650 and only 2 were rejected. In the fifth case, on 21st March, 1989, the orders were placed to supply 616 and all of them were supplied and only one was rejected. From this track record and from no other record—if the hon. Member can give some other information, I will definitely look it—from the available record, I can say .... *(Interruptions)*

SHRI YASHWANT SINHA : Madam, just a minute. This is the letter dated 29th April from Mr. Viren Shah to Mr. Shankaranand where a specific quantity of short supplies have been mentioned. Let the Minister say that it is wrong.

SHRI B. SHANKARANAND : I am saying that the letter is not in my hand. He might have said. But I will not able to look into this letter. Whatever records that I have in my possession, I am making a clean breast of that.

SHRI VIREN. J. SHAH : I gave you a copy of that letter also.

SHRI B. SHANKARANAND : No, you refresh you memory. You gave me only the question, not a copy of the letter.

SHRI VIREN J. SHAH : But you received the letter in time ?

SHRI B. SHANKARANAND : Yours is not a secret letter and there is nothing it to be suppressed by me.

डा० रत्नाकर पाण्डेय : शाह जी चाहते क्या है ? बता दे मिनिस्टर को ।

श्री वीरेन जे० शाह : यह भ्रष्टाचार बंद हो, यह चाहते है ।

डा० रत्नाकर पाण्डेय : मैं जानना चाहता हूं मैडम पाइंट आफ आर्डर मेरा यह है कि इस सदन में माननीय सदस्य जिस कंपनी से कन्सर्न खाते है, उसका भी नाम लिया गया है, मैं मंत्री महोदय से स्पष्ट जानना चाहता हूं ... **(व्यवधान)** ...

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : यह पाइंट आफ आर्डर नहीं है ।

डा० रत्नाकर पाण्डेय : मैडम, बहुत इम्पोर्टेण्ट है । एक सदस्य की प्रतिष्ठा का प्रश्न है ।

श्री वीरन जे० शाह : पूछने दीजिए, मैडम जो नारायणसामी जी ने कहा, अहलुवालिया जी ने कहा, रत्नाकर पाण्डेय जी को भी कहने दीजिए और मंत्री जी को भी जवाब देने दीजिए उस पर ।

डा० रत्नाकर पाण्डेय : मुकुन्द आइरन या उसके सिस्टर कन्सर्न ने . . . **(व्यवधान)** . .

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : मंत्री जी आप यील्ड क्यों कर गए ? आप अपना जवाब जारी रखिए ।

डा० रत्नाकर पाण्डेय : इस पर स्पष्ट बताएं मंत्री जी ताकि माननीय सदस्य के संबंध में जो तरह-तरह के प्रश्न किए जा रहे है, ... **(व्यवधान)** . . . इस सदन को सही जानकारी हो ।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : पाण्डेय जी, आप बैठिए । मंत्री जी, आप अपना जवाब कंपलीट कीजिए । मुझे दूसरा बिजनेस लेना है ।

SHRI B. SHANKARANAND: I am completing my reply in one minute. The honourable Member has mentioned one thing. He asked when the offer of B.J. Pipes was rejected, why it was again granted. I would like to say that it was not the offer of B.J. Pipes, but that of S.A.W. Pipes.

SHRI YASHWANT SINHA: I did not say that.

SHRI B. SHANKARNAND: But the records must be corrected. Then, the contract was not given to B.J. Pipes, but to the Indian Consortium. I will take a little more time of the House.

SHRI N. E. BALARAM: Consortium means what? How many companies are there in it?

SHRI B. SHANKARNAND : The bid of the Indian Consortium consisting of B.J. Pipes and Vessels Ltd. and S.A.W. Pipes Ltd., led by B.J. Pipes and Vessels, was technically acceptable. This was supported by qualified and internationally reputed manufactures, namely, A.G. Delinger, Germany, and there is another Company, M/s Manasmann, Germany. This Consortium is not of B.J. Pipes alone. Let there not be any wrong impression in the minds of the honourable Members that this contract was given to B.J. Pipes. It was not given to B.J. Pipes, but it was given the Indian Consortium led by B.J. Pipes.

Now, the honourable Member, Shri Sinha, said that this is a massive fraud .... (*Interrupitions*) ....

SHRI KAMAL MORARKA : I said it and I take the responsibility for it. .... (*Interruptions*) ....

SHRI B. SHANKARANAND : I have no quarrel with you. Allegations you can make. But it is the responsibility of the Government to weigh the allegations and see whether they are based on sound facts and materials available with the Government. If the honourable Member has got any material, I am willing to look into the matter and I would request him to send all the facts that he has in this regard. But let us not make vague allegaitons about fraud. That will only mislead the House. I would request the honourable Member to agree to this.

Now, about the honourable Member, Shri Ahluwalia's point about "gotala", I do not know anything, and I cannot say anythnig .... (*Interruptions*) ....

SHRI VIREN J. SHAH : Better reply to Mr. Pandey's question about my company having anything to do with this. He has asked the question and you please reply to that .... (*Interruptions*) .... Whether it is a sister concern, uncle's concern,

auntie's concern, nephew's concern or niece's concern, please reply to that .... (*Interruptions*) ....

SHRI B. SHANKARANAND : Madam, the House is very seriously discussing a particular subject and I do not think any company held by Mr. Viren J. Shah has been a bidding party to this contract .... (*Interruptions*) .... That much I can say .... (*Interruptions*) ....

[The Vice-Chairman (Shrimati Jayanthi Natarajan) in the Chair]

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : Now, the Half-an-Hour Discussion is over.

SHRI VIREN J. SHAH : Madam, let the Minister reply to that question .... (*Interruptions*) ....

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : That is over now .... (*Interruptions*) ....

SHRI KAMAL MORARKA : Madam, probably you have not followed the discussion .... (*Interruptions*) ....

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : Mr. Morarka, you please sit down. Yes, Mr. Shah.

SHRI VIREN J. SHAH: Madam, some allegations against a Member of this House have been made by three different Members .... (*Interruptions*) .... It has something to do with the functioning of that Member in this House .... (*Interruptions*) .... Whatever has been said has been said in the national interest .... (*Interruptions*) ....

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : What is it you want ?

SHRI VIREN J. SHAH : I am asking, I am seeking your protection, how do I defend my honour, and in that respect let other Members also suggest what should be done. Now, there was a suggestion made by hon. Yashwant Sinha, supported by hon. Raj Mohan Gandhi and others, that a parliamentary committee of this House be appointed to go into this, and I am prepared to accept that. (*Interruptions*)

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : Please let him finish.

SHRI VIREN J. SHAH : Otherwise any hon. Member would get into this sort of situation and he cannot function because a motive would be attributed. I am asking you how one should go about it—whether there should be an apology, whether there should be an unconditional withdrawal of such insinuation or whether let a House Committee go into this.

SHRI VISHVJIT P. SINGH (Maharashtra) : I fully share the sentiments expressed by Mr. Viren Shah, my good friend, and I urge upon the Minister to kindly clarify once and for all that neither the companies associated with Mr. Shah nor .... (*Interruptions*)

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : Please sit down.

SHRI B. SHANKARANAND : I once again say that in this case Mr. Viren Shah or his company has not given a bid.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : Now, Mr. Shah, do you want anything further or we can proceed with the next business ? (*Interruptions*) I am asking Mr. Shah.

SHRI VIREN J. SHAH : There are two things. I am not quite sure. The answer that the Minister has given is that neither I nor any of my company has anything to do with this bid. But twice the hon. Member went behind that. I want to make one statement with your permission. I never heard the name of P.J. Pipes or anything until I read a news report and put a question about that. That question was admitted and replies came. Then because one hears a number of remarks about ONGC which may or may not be right,

[Shri Viren J. Shah]

and the manner in which thousands of crores of rupees worth of orders being placed, I pursued that. I have not seen. About that company I do not know the individual—the hon. Minister might be knowing him—except that two telephone calls received by me recently. I have no personal grudge against anybody. If a national issue could not be brought—suppose I bring an issue about Airbus purchase tomorrow, would I be accused that I have an agency or something? I don't know how to function. I am seeking your guidance.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : Mr. Shah, I was not present at that time, I have no doubt that the Vice-Chairman sitting at that time would have protected your interest. (*Interruptions*) The question of appointing a committee is not within the province of the Chair. We can only look after what is being said in the House, whether it is unparliamentary. If anything has been said which is out of order, I have no doubt that it can be removed from the records. This is as much as I can do. Now, we go on to the next business, which is ....

SHRI YASHWANT SINHA : Madam, it will be in the Press tomorrow ....

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : I have no doubt that whatever was not on record, which has been ruled out by the Chairman ...

SHRI YASHWANT SINHA : Madam, we have all participated in the debate and serious motives have been imputed as if we are functioning here as the agents of some firm or the other. And I as a Member of this honourable House feel absolutely humiliated that we are reduced to this level that we have liaison with people working for particular companies. This is the kind of allegation which has been levelled by Members of the treasury benches and that is why we demanded that let there be a House Committee which will go into this aspect.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : That is not for the Chair to decide. That is something for the Government to decide. Now, we go on to the next business : Mr. Madhavrao Scindia. (*Interruptions*)

SHRI RAJ MOHAN GANDHI : The House committee, Madam, Vice-Chairman (*Interruptions*) ....

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : If the Members, all agree to that committee, let them go ahead. We can't spend all the time discussing that.

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh) : Let the Minister .... (*Interruptions*)

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : I can't force him to answer. I am sorry. I am going on to the next business. I am not entering into a discussion now on this. (*Interruptions*) Mr. Madhavrao Scindia.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : Now, Shri Madhavrao Scindia to make a statement on National Action Plan for Tourism. (*Interruptions*)

श्री जगदीश प्रसाद माथुर : सारे मामले में क्योंकि घोटाला दिखता है, तो क्या आप सदन की कमेटी बनाने को तैयार है ? ..... (**व्यवधान**) ...इससे तो साबित यह होता है कि इसमें कुछ धपला है।

STATEMENT BY MINISTER—NATIONAL ACTION PLAN FOR TOURISM

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI MADHAVRAO SCINDIA) : Madam Vice-Chairman,

Hon'ble Members are aware that when the present Government was formed in June 1991 the tourism industry was reeling under a severe crises forced by both international and national circumstances.